



City of Hampton, VA

Meeting Minutes

City Council

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

Linda Curtis
W. H. "Billy" Hobbs, Jr.
Will Moffett
Chris Snead
Christopher G. Stuart
Donnie R. Tuck
George E. Wallace, Mayor

Staff:
Mary Bunting, City Manager
Cynthia Hudson, City Attorney
Katherine K. Glass, CMC, Clerk of Council

Wednesday, January 8, 2014

6:02 PM

Council Chambers, 8th Floor, City Hall

CALL TO ORDER / ROLL CALL

GEORGE E. WALLACE PRESIDED

PRESENT: Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck

At Mayor Wallace's request, Ms. Glass read the protocol for the Public Comment Period. Mayor Wallace reminded speakers to alternate between the free-standing microphone and the podium in an attempt to save time.

PUBLIC COMMENT

Ms. Betty Nealy Lewis, 705 Teach Street, greeted those on the dais and made the following statement: I am here to ask the Council to give reconsideration to reinstating a leash law. What brings this to the attention of Council is on December 29th, I was walking my dog (I live in Garden City) on a leash when a pit-bull from across the street shimmied underneath its fence and we were attacked. Trying to rescue my pet, I fell to the ground. Attempting to regain posture, I heard myself scream to someone to call 911. In the ensuing moments, neighbors began to do what they could to help. Two men came with what appeared (to be) walking sticks and struck the pit (bull). One attempted to apply force to his jaw. I found myself back on the ground in an effort to untangle the leash. My granddaughter arrived with the Taser which had no effect upon the dog; however, in the midst of all of this horror, the pit (bull) released and my animal was able to escape. Animal Control and EMT's arrived. I was treated at the scene for minor cuts to my knee. I took my animal to emergency in Yorktown where he received extensive surgery and was released the following day. This was the second attack within a very short period of time. The first attack was another owner; another dog on December 6th. On that particular occasion, my dog was tethered to the yard and a young man who was walking his dog without the aid of a leash, the dog attacked. I think in our neighborhood, we have a disproportionate number of animals that are not safe. These indolent owners parade the streets with unleashed animals in total disregard to the danger that they can inflict. Vicious dogs are allowed to run free in yards without adequate defenses for the animals and to ensure the safety of surrounding neighbors. I have staggering vet bills

from this occasion. I have never seen the damage that a pit-bull can inflict. I have photographs that I would like to share with you. I feel that there is something horribly wrong and egregious for an ordinance that penalizes a responsible owner while allowing the offenders to cause harm. Having said that, I would ask Council to please reconsider reinstating the leash law. Thank you.

Mr. James Lewis, 705 Teach Street, greeted those on the dais, noted he was pleased to meet the members of Council and made the following statement: I am new in the neighborhood. I have been here for 15 months (living in Hampton). I have been attacked five times. (During) one of the incidents she (Betty Lewis) was talking about, I had my dog tethered to my front step. I was sitting out on the step with him. A young man came down the street with a pit-bull and I found myself on the ground trying to save my dog's life. I got the dog off of him, threw the pit-bull in the air, the owner and the pit-bull disappeared and that cost me \$500. I was riding my bike on Buckroe. I'm a bike rider. I ride every day. I have been chased by dogs five times by German Shepherds and all kinds of dogs down in the areas that I have been riding in have chased me. I have had three attacks in Garden City to date. I had one (dog) that I had to kick and the owner wanted to shoot me because we were walking on Celery Street and the dog just came out of the fence. We were walking and the next thing I knew, he had my dog by the butt. I have read the laws. I am from New York City. Another incident happened in October (when my wife was attacked) and I went to his home and asked him about his dogs. He has three of them. He told me he could fix the fence and he has known Betty for 20 years. Something has to be done. I get berated by a lady officer for having my dog tethered on my front step; I'm in the wrong. I have a very expensive dog and I love my dog. I love animals, but when you tell people that they cannot tether their dogs – I would not put my dog out without me being there. This is getting bad. I think you need to consider the protection, especially senior citizens, with these dogs. I'm not talking just about pit-bulls; I'm talking about German Shepherds. I could show you the places. You need to consider changing this law because somebody is going to get seriously hurt and then it is going to be a big problem. Thank you for listening.

Mr. Steven Brown, 203 Derosa Drive, greeted those on the dais and made the following statement: Tonight, I represent the Community Action Coalition for the Prevention of Youth Violence. Sometime ago, we started work in Hampton to provide the community with some alternatives to the youth violence that we were seeing. We realized that when the coalition started, the coalition itself could not be the organization that did most of what we need to do in our City, so we have partners. The school has been a good partner. Of course, the City has been a great partner. A lot of the community groups (have been great partners) fraternities, sororities, community organizations, and neighborhood organizations have been very kind and generous to us. Tonight, I want to introduce (many of you have already met this young lady) Shant'a Miller-Synaker with whom we have partnered. Back in October, we did an event at the Hampton University Stadium, the 1,000 Kids March against Bullying. Mayor Wallace was there to read the proclamation. City Manager Bunting was there. Councilman Moffett and Councilman Donnie Tuck (were there). We had over 1,200 young people there during the course of the day and as we ended the event, we had the young people march around the track. All of the adults got behind them to say: never again are you going to be bullied and if you are bullied, we've got your back. I am very pleased to introduce one of our partners tonight, Shant'a Miller-Synaker, who is the Chief Executive Officer (CEO) of Parents against Bullying to talk about an event on January 18th at Hampton High School called Stomping for Peace. It's a step show. When I was in college, in the student union

outside the amphitheater, there was a lot of step shows and a lot of competition, but the theme for this one is: Stomping for Peace, Stomping against Bullying and Violence among our Young People. We are planning to have a great event at Hampton High School. We want to pack the place out and we want to let the young people know that when they leave there, there is going to be a positive message that you can make a difference. This is a community problem. We have talked about it over and over again. I am very pleased tonight to introduce to you Shant'a Miller-Synaker. She is the Parents against Bullying (PAD) CEO and is also a coalition member. Tonight, she has some additional information for you. Hopefully, you can clear your schedules to at least come out for a portion of what is going to be a great show. We have great teams coming, great comradery and great partnerships. Ms. Miller will give you some additional information in terms of what we are trying to do to make Hampton a most livable City.

Ms. Shant'a Miller-Synaker, 4 Sunbriar Way, greeted those on the dais, noted that she is the CEO of Parents against Bullying of Virginia, Incorporated and then made the following statement: I am very pleased to announce that we are having another event – a very exciting event where we will have six youth teams that are coming from as far away as Maryland, Portsmouth, Chesapeake and a lot of high schools and middle schools, totaling six. We will be competing. They have a theme for the evening. It has to be stomping against bullying and violence related. It is a competition. The first prize will be \$500, the second prize is \$200 and the third prize is \$100. We are giving them, also, a trophy for the best theme for the evening. We are going to be, yes, competing, but it is going to be that we are competing and we are going to be showing that we are going to be there just for that – stomping against bullying and violence – because we know it is nationwide, not just right here, but for everyone to know and to let these youth know that we can do other things and put that energy into something positive. I am very excited to have this happen. This will be our first one that we will be having in Hampton for our youth. I am very excited. That will take place on January 18th from 4:00 to 7:00 p.m. at Hampton High School. We are very, very excited about that. There is a donation of \$8 in advance and \$10 at the door. Those six teams are traveling teams and we will make sure that those donations cover their prizes and we are going to feed the children and make sure that they are fully hydrated because they really do a lot of sweating that day.

At Mayor Wallace's request, Ms. Miller-Synaker repeated the date and time of the event twice: January 18th, Hampton High School, 4:00 p.m. – 7:00 p.m. Mayor Wallace noted that a former coach always told him when things are repeated three times, people will remember.

Ms. Lorie Henderson, 2 West Big Sky Drive, greeted those on the dais and made the following statement: I am the neighborhood watch coordinator for our group. We wanted to come to you this evening to talk about the Commander Shepard Boulevard extension that runs through our neighborhood from Big Bethel Road and it runs off the north campus. We are asking to get lights at the intersection of Middle Road and Commander Shepard Boulevard. It's a 45 mile per hour road and without the lights, we think it is going to be a dangerous thing that is going to happen because we know how people drive and we need lights, so we recommend that lights be put there. Also, right now, there is a four-way stop, but when the construction is completed, they are going to remove two of the stops, so it will be a two-way stop; so, people trying to get to NASA or Big Bethel Road will have a hard time getting onto the road to use it. So, that is one request we would like to have. Also, there are children in the neighborhood. The road

practically cuts off our neighborhood, so we are asking for crosswalks to be installed on the ground once the lights are installed because, right now, the children will have to run across the street. We thank the City for installing another bus stop because one was at this road called Clydesdale Court which is on the opposite side of Commander Shepard Boulevard, but we still need to consider people walking dogs and people just wanting to walk on Middle Road – you can't really do that if there is not a crosswalk there. It's kind of a dangerous situation and it's an accident waiting to happen. That is why I am coming to you this evening for your consideration. Several of my neighbors of the neighborhood have emailed people to put this on the books, so that is why we are coming this evening to at least get it on the books to see if we can arrange it. We have been told that lights are costly, but we think accidents are even more costly, so if you could consider that, we would appreciate it. Thank you. Have a good evening.

Mr. Hugh Bassett, 117 Rip Rap Road, made the following statement: You have probably discussed this in closed session, but to paraphrase Lyndon Johnson – I do not seek, nor will I accept appointment as Hampton's next City Attorney. I want to talk about you giving away my tax money. I read this article in the Daily Press where you are going to give, not loan, \$428,000; it's on the 7:00 agenda. This is the sweetest development deal I have ever seen in my life and I have seen a whole lot of them in a whole lot of different cities. It's not even to build a building. It's for them to go out and find funding to build a building. You are going to take \$428,000 of my tax money and other Hampton City people's tax money to pay for this after you gave us that huge tax increase; maybe that is what it was for. The company that you gave it to, Craig Davis Properties, this is no fly by night company like they are broke, trying to put a project together. They already own \$33 million of office space in that area. In 2007, they sold two buildings for \$28.8 million, so this is not somebody that (from what I could see) needed funding. They should be lending money to you, instead of you lending money to them. In the agreement, it says they could repay the money. So, now, you hold your breath and wait until they pay that money back. It creates no job creation. What is in this for the citizens of this City? You are not guaranteeing us any jobs. It is all for them. The profit goes for them. Maybe the only thing I could see the City benefiting is from the taxes. If you give me \$428,000, I will search the whole earth to help you find some financing. Then they have the option to buy 11 acres that is owned by the Economic Development Authority (EDA), the City. You'll probably want to come back later and give them one of those Buckroe sweetheart deals and sell it to them at a price that I can even afford to buy. We can't speak on this on the regular agenda, but at least one person in this City, myself, I cannot understand how you can give away \$428,000 of taxpayer money. I think it is a disgrace. Mr. Tuck, if you can't vote for it, please abstain. Thank you.

Mr. Frank J. Ottofaro, Jr., 341 Wrexham Court, greeted those on the dais and wished them a happy New Year. He also congratulated City Attorney Cynthia Hudson on her new position and thanked her for all she has done, particularly, her quick response whenever he put in Freedom of Information Act (FOIA) requests. Mr. Ottofaro then made the following statement: It seems like every time I finish speaking up here and I leave during the Public Comment Session, my dad keeps coming back up into this after I have left the room, which I find very disrespectful. I brought it up to Mayor Ward when she was here back in May, and it seems like we have done it again, Ms. Bunting and Mr. Wallace. I am here to continue my dad's 12 year fight. We are going on 14 years now and one month with my two years and one month in it regarding the Power Plant project where the Eminent Domain Law was misused by this City to take property from my father. At the time, he was called by the City Attorney, there was a one-time offer

only (and this is when it counts) when the Quick Take is getting ready to be done and that is under Eminent Domain, the only offer that was made was \$164,000. The City Attorney at that time told him, you either take it or we are going to take your property under Quick Take, so my dad reminded them of a promise that was made by Mr. Wallace (I am not bashing you at all) that no property was going to be taken should any resident (in that meeting at that church that night in November of 1999) refuse to take the developers offer at that time (which was Mr. Robert Brown). So, my dad refused it and reminded Mr. Burton (former City Attorney) of what Mr. Wallace had said (that no property would be taken if anybody refused) and he figured he had a plan B which would fall back on that. Mr. Burton reiterated himself, you either take the \$164,000 or we are going to take your property. Now, there was one map showing the road that bypassed my dad's property completely. A new map was then created so they could curve that road and take my dad and anybody else who was in that path out who refused to sell. Now, that is against the law – when you purposely moved that road. It was done. Danny Edwards over on Queen Street at Danny's Glass shop knows that. At the October 2001 City Council meeting, two of the seven Councilmembers even stated the road had been moved. So, let's bring up some other figures in here: I got a Daily Press article from December 18, 2013, which says Mr. Ross Mugler who has been here since 1992 as our Commissioner of Revenue and I trust his statements – he said he believes that tax incentives for private developers should be used for infrastructure projects and not toward building private stores. We use \$7.3 million of our tax money to build Bass Pro Shops (their building). It wouldn't be there today if they didn't use our tax dollars. My time is up. I get three minutes; you guys got 30 minutes or so when you discussed my dad when I wasn't here. I just don't think it is fair, here. People in the City need to know that. Three point seven million dollars was used to buy 11 houses, not 15 which is what the Daily Press reported. Eleven houses on CC Spaulding Drive alone. Do the math. That comes to about \$348,000 per house which is 2 ½ times their assessed values.

Mayor Wallace thanked Mr. Ottofaro for his comments indicating that his speaking time had expired. Mr. Ottofaro thanked Mayor Wallace.

Ms. Elizabeth McCoury, 4410 E. Claiborne Square, Suite 211, Executive Director of the Coliseum Central Business Improvement District, greeted those on the dais and made the following statement: I am here tonight to wish you all a very happy New Year on behalf of the 650 business and property owners that we represent and to congratulate Ms. Hudson on her wonderful opportunity and to let her know how much we will miss her leadership. I would also like to invite you to attend our annual meeting which will be held on February 25th at 8:00 a.m. at the Hampton Roads Convention Center. She repeated that the meeting will be held February 25th at 8:00 a.m. at the Hampton Roads Convention Center. Importantly, mark your calendars for February 25th at 8:00 a.m. at the Hampton Roads Convention Center (three times).

Ms. McCoury continued her statement: One of the highlights of our annual meeting is the awarding of our business person of the year, volunteer of the year, we have a best design, new construction, best maintained property and most improved property (awards). We've got so many wonderful projects this year for our committee members to select from and I would also like to invite you all to submit nominations as well. Thank you for your service to the citizens of Hampton.

In response to Councilman Tuck's inquiry about which day of the week the meeting will be held, Ms. McCoury stated February 25th is on a Tuesday, the fourth Tuesday of the month. At Mayor Wallace's request, Ms. McCoury repeated that the meeting will be held on Tuesday, February 25th.

Mayor Wallace stated Ms. McCoury was the last speaker who had signed up to speak and called for additional speakers from the audience. There was one additional speaker.

Mr. Edwin Boone, 48 Snow Street, made the following statement: The last time I was here, after my three minutes was up, you changed the protocol and you started speaking on what I spoke on. I don't think that is fair because when I raised my hand to speak the second time to rebut, I knew you were going to sic the Sheriff on me, so I knew better and to stand in my spot and wait until now (to speak). It is not fair when you say you don't go back and forth, but you pick and choose who you are going to talk to and what you are going to talk about. If you are going to stick to a policy, you need to stick with it and don't be selective. My question for everybody involved – the City leadership is with the police sting. What did you know and when did you know it? Right now, there are no convictions. When the newspaper first stated, the police sting was \$3 million, but they ended up saying it was \$4 million. So, I would like to know what did the former Mayor, Molly Ward, know and when did she know it? Linda Curtis, you just retired right before the police sting came out and then once it was done, supposedly wiped underneath the rug, and you are back on the set as Vice Mayor. What did you know and when did you know it? Mary Bunting, I would like to know what did you know and when did you know about the police sting? The police sting is not going away, citizens. There is a \$15 - \$20 million law suit. They are suing each other for defamation of character from trying to be used for a scapegoat. It is not going away, it is just on the back burner until it goes to court. Cynthia Hudson, what did you know, and when did you know it? Everybody is getting promoted at the taxpayers' expense and nobody is being held accountable. Mr. Wallace, you laughed at me one time when I said that you were taken off of the Fort Monroe Board. Hampton is 50% minority and you are a minority and the Mayor was white and then I asked the question Hampton being 50% minority, is there at least one minority that could replace the other minority that was taken off of the Fort Monroe Authority Board and you said, "no". Also, when I mentioned, Mr. Wallace, about Hampton being the murder capital of the tidewater area, at the time in July, there was 17 murders and September 11th, there was 19 – two more murders. Then the other day, there were two more murders on the first of the year over at that park off of Woodland Road. So, I am asking you again, Mr. Wallace, what is so funny when you laughed at me? Why did you laugh? I didn't ask you who were you laughing at, I asked you what was funny, not who. Thank you.

Mayor Wallace thanked Mr. Boone for his comments and called for additional speakers from the audience. There were no additional speakers.

For the record, and in case there are people viewing the Council meeting for the first time on TV or if someone is willing to make an investment, Mayor Wallace stated if you heard these disclosures or discourses by individuals making charges and accusations, we assure you that it is not accurate and the statements that are made here are replete with inaccuracies and miscommunications. He continued stating that at various times, we have issued responses to these in various fashions and on websites and in other situations. He added that staff will be glad to work with those of you who are interested

in responses regarding the accusations that were made. He further added that from time to time, we will be making responses to some of these comments just to set the record straight.

Mayor Wallace noted that staff has heard the issues cited by Mr. and Mrs. Lewis and will address them and respond to them regarding what can be done. He then opened the floor for additional comments from those on the dais; however, no additional comments were made. He noted that anyone interested in speaking during the public hearing items on the 7:00 agenda may sign up in the lobby.

The meeting was adjourned at 6:32 p.m.

George E. Wallace
Mayor

Katherine K. Glass, CMC
Clerk of Council

Date approved by Council _____